



# Memorandum

**TO:** HONORABLE MAYOR AND  
CITY COUNCIL

**FROM:** Katy Allen  
Sara L. Hensley

**SUBJECT:** SEE BELOW

**DATE:** 03-19-04

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Approved

Date

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Council District: 1

**SUBJECT: SAN TOMAS AQUINO/SARATOGA CREEK TRAIL REACH 6 PROJECT**

## **REASON FOR SUPPLEMENTAL MEMO**

To provide additional information to Council about the bids that was not available at the time the original memo was written.

## **RECOMMENDATION**

Report on bids and award of contract for the San Tomas Aquino/Saratoga Creek Trail Reach 6 Project to the low bidder, Granite Rock Company dba Pavex Construction Division, in the amount of \$1,833,000, and approval of a contingency in the amount of \$183,300.  
CEQA: Addendum to Negative Declaration, PP03-03-084, March 27, 2003.

## **ANALYSIS**

Bids were opened on March 11, 2004 with the following results:

<u>Contractor</u>	<u>Total Bid</u>	<u>Variance Amount</u>	<u>Over/(Under) Percent</u>
HSR, Inc. (Santa Clara)	\$2,370,743	\$25,743	1
<b>Engineer's Estimate</b>	<b>2,345,000</b>	---	---
O'Grady Paving, Inc. (Mountain View)	2,306,000	(39,000)	(2)
Pro Ven Management, Inc. (San Francisco)	2,292,797	(52,203)	(2)

Stacy & Witbeck, Inc. (Alameda)	2,178,888	(166,112)	(7)
McGuire & Hester (Oakland)	2,132,000	(213,000)	(9)
Robert A. Bothman, Inc. (San José)	2,076,255	(268,745)	(11)
Stevens Creek Quarry (Cupertino)	2,039,000	(305,600)	(13)
O.C.Jones & Sons, Inc (Berkeley)	1,877,250	(467,750)	(20)
Granite Rock Construction dba Pavex Construction Division (Watsonville)	1,833,000	(512,000)	(22)

The low bid submitted by Granite Rock Company is 22 percent below the Engineer's Estimate. An evaluation of the bid determined that the design consultant for the project anticipated higher costs for the site preparation, asphalt paving, revegetation planting and for the structural foundations for the pedestrian bridge. The bid is considered acceptable for the work involved in the project.

The status of the permits and agreements required for this project is as follows:

- California Department of Fish and Game (CDFG) 1601 Lake and Streambed Alteration Agreement – obtained.
- United States Army Corp (USACE) Nationwide Permit – obtained.
- Regional Water Quality Control Board (RWQCB) – Section 401 Permit – obtained.
- Santa Clara Valley Water District (SCVWD) Encroachment Permit – obtained.
- Santa Clara County Roads & Airport Encroachment Permit – pending approval of Joint Use Agreement with the County; expect to obtain by April 30, 2004.
- Santa Clara County Roads & Airport Joint Use Agreement – approved by Council March 2, 2004, pending approval by County Board of Supervisors on March 23, 2004.
- SCVWD - Joint Trails Agreement – under negotiation.
- Cupertino Union School District Joint Use Agreement – under negotiation

All permits required for construction have been obtained except for the encroachment permit from Santa Clara County Roads and Airport. The City cannot proceed with construction of the project without this permit. Awarding the construction contract prior to receiving this encroachment permit raises the risk that the City might have to terminate the construction agreement and risk exposure to damage claims from the contractor. The Joint Use Agreements are also under negotiation. Staff recommends award of the contract prior to receipt of the encroachment permit and Joint Use Agreements because:

- The County requires that a Joint Use Agreement be executed prior to the issuance of the encroachment permit. It is anticipated that the County will approve the Joint Use Agreement on March 23, 2004 and will issue the Encroachment Permit shortly thereafter. Accordingly, the risk of the City not obtaining this encroachment permit is minimal.
- The Joint Use Agreements with SCVWD and the Cupertino Union School District are not required for construction of the project, but for securing access necessary for operating and maintaining the trail improvements. Staff fully expects to have both agreements in place prior to completing construction of the project. The consequence of not obtaining these agreements is that the City would be constructing improvements that it could not fully operate until such agreements were in place.
- Due to CDFG permit restrictions on working within the stream/riparian corridor (June 1, 2004 – October 31, 2004), construction must begin at the first opportunity in June to allow sufficient time to complete those portions of the work prior to the October 31, 2004 deadline. Should this not occur, construction would be postponed until June 2005 delaying completion of the project for another year.

Council policy provides for a standard contingency of ten percent on public works projects involving excavation. The standard contingency is appropriate for this project. The funds budgeted for this project are sufficient to provide for the recommended contingency.

### **COORDINATION**

This project and memo have been coordinated with the City Attorney's Office, the City Manager's Budget Office and the Departments of Planning, Building and Code Enforcement and General Services.

### **COST IMPLICATIONS**

1. AMOUNT OF RECOMMENDATION: \$1,833,000

2. COST OF PROJECT:

Project Delivery	\$1,157,835	*
Construction	1,833,000	
Contingency	<u>183,300</u>	
Total	\$3,174,135	

\* \$759,746 of the Project Delivery Costs were expended or encumbered in prior fiscal years.

3. SOURCE OF FUNDING: 377 – C&C Tax Fund, Council District 1  
471 – Park Bond
4. FISCAL IMPACT: This project is consistent with the Council-approved Budget Strategy Economic Recovery section in that it will spur construction spending in our local economy. This 1.1 mile trail will require approximately \$6,000 in annual operating and maintenance costs.

**BUDGET REFERENCE**

Fund #	Appn #	Appn Name	RC	Total Appn	Amt for Contract	Adopted Budget Page	Last Budget Action (Date, Ord. No.)
377	6692	Murdock Park Pedestrian Bridge	112233	\$96,000	\$96,000	Page 430	10/14/03 Ord. No. 26997
377	6693	San Tomas Aquino/Saratoga Creek Trail	112243	\$739,000		Page 432	10/14/03 Ord. No. 26997
471	6881	Saratoga Creek Trail – 280 to Murdock Park	11406B	\$1,829,000*	\$1,737,000	Page 739	10/14/03 Ord. No. 26997
		<b>Total</b>		<b>\$2,664,000</b>	<b>\$1,833,000</b>		

\* An additional \$72,000 is budgeted for this project in 2004-2005 in the Parks Bond Fund.

**CEQA**

Addendum to Negative Declaration, PP03-03-084, March 27, 2003.

KATY ALLEN  
Director, Public Works Department

SARA L. HENSLEY  
Director, Parks, Recreation and  
Neighborhood Services Department

GR:wt:jp  
STA/Saratoga Creek supplemental